

Steven S. Rand
Tarique N. Collins
ZEICHNER ELLMAN & KRAUSE LLP
575 Lexington Avenue
New York, New York 10022

Attorneys for Berkadia Commercial Mortgage, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRAND MANOR HEALTH RELATED FACILITY, INC.,
Plaintiff,

– against –

HAMILTON EQUITIES COMPANY, HAMILTON
EQUITIES, INC., ROBERT NOVA, SUZAN
CHAIT-GRANDT, MACRON & COWHEY, P.C.,
and JOHN MACRON,

Defendants.

HAMILTON EQUITIES COMPANY, HAMILTON
EQUITIES, INC., ROBERT NOVA, SUZAN
CHAIT-GRANDT, MACRON & COWHEY, P.C., and
JOHN MACRON,

Defendants/
Interpleading Plaintiffs,

– against –

BERKADIA COMMERCIAL MORTGAGE, LLC
and the UNITED STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,

Interpleaded Defendants.

HAMILTON EQUITIES COMPANY, HAMILTON
EQUITIES, INC., ROBERT NOVA, SUZAN
CHAIT-GRANDT, MACRON & COWHEY, P.C., and
JOHN MACRON,

Defendants/
Third-Party Plaintiffs,

– against –

GRAND MANOR HEALTH RELATED FACILITY,
GARFUNKEL WILD, P.C., ROY W. BREITENBACH,
ESQ., and MARTIN LIEBMAN.,

Third-Party Defendants.

Case No.: 12 Civ. 4916 (JGK)

**NOTICE OF MOTION
TO DISMISS PURSUANT TO
FED.R.CIV.P. 12(b)(6)**

TAKE NOTICE, that upon the Declaration of Steven S. Rand dated December 21, 2012, the exhibit attached thereto, the Declaration of Michael Mason dated December 12, 2012, the accompanying memorandum of law dated December 21, 2012, and all pleadings and proceedings had herein, Berkadia Commercial Mortgage, LLC shall make a motion before the Honorable John G. Koeltl, at the United States Court House, 500 Pearl Street, New York, New York, for an order pursuant to Fed. R. Civ. P. 12(b)(6), dismissing claim in the Supplemental Interpleader Complaint asserted against Interpleader Defendant Berkadia Commercial Mortgage, LLC.

TAKE FURTHER NOTICE, that opposing papers, if any, shall be served not later than January 4, 2013, pursuant to Court Order.

Dated: New York, New York
December 21, 2012

ZEICHNER ELLMAN & KRAUSE LLP
By: _____
Steven S. Rand
Tarique N. Collins
Attorneys for
Berkadia Commercial Mortgage, LLC
575 Lexington Avenue
New York, New York 10022
(212) 223-0400

TO: John Macron, Esq.
Macron & Cowhey, PC
160 Broadway, 4th Floor
New York, New York 10038

Roy W. Breitenbach, Esq.
Garfunkel Wild, P.C.
111 Great Neck Road
Great Neck, New York 11021

Rebecca S. Tinio, Esq.
United States Attorneys' Office
Southern District of New York
Civil Division
86 Chambers Street, 3rd Floor
New York, New York 10007